



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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March 29, 2016

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *PCO*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: Kristin D. Roser/Marlene Colucci *KRC*
Reports Analysis Division
Compliance Branch

SUBJECT: Reason To Believe Recommendation -2015 Year-End Report for the
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2015 Year-End Report in accordance with 52 U.S.C. § 30104(a). The Year-End Report was due on January 31, 2016.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report more than five (5) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers, in their official capacity, listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.

Federal Election Commission
Reason to Believe Circulation Report
2015 YEAR-END Not Election Sensitive 01/31/2016 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTTB Penalty
3038	C00572537	AMERICANS SOCIALLY UNITED		CARY L. PETERSON	\$233,949	0		Not Filed	\$233,949 (est)	\$7,150
3039	C00577536	AUGUST WOLF FOR SENATE	AUGUST L. WOLF	JOHN PASCAL	\$904,813	0	3/21/2016	Not Filed	\$320,311	\$9,800
3040	C00554253	CLAITOR FOR CONGRESS	DANIEL A. CLAITOR	CHELSEA BONNECAZE	\$120,518	3		Not Filed	\$120,518 (est)	\$8,662
3041	C00254573	EDDIE BERNICE JOHNSON FOR CONGRESS	EDDIE BERNICE JOHNSON	RANDY WHITAKER	\$406,749	0	2/12/2016	12	\$94,069	\$1,760
3042	C00574442	EDWARD TROY HOLLIDAY		NANCY SHARON YOUNG	\$280,730	1	2/9/2016	9	\$926	\$90
3043	C00555862	FOUNDATION FOR A GREATER AMERICA INC		JAMES P. HODGINS	\$725,746	1		Not Filed	\$725,746 (est)	\$14,437

3045	C00564294	ORMAN FOR US SENATE INC	GREGORY JOHN ORMAN	WYNNE ROYCE JENNINGS	\$193,081	0	2/10/2016	10	\$15,485	\$160
3046	C00192849	PLUMBERS AND PIPEFITTERS LOCAL UNION 74		MARK R. PERMAR	\$155,910	3	2/16/2016	16	\$105,976	\$4,655
3047	C00567685	USA FIRST PAC		CABELL HOBBS	\$268,712	0	2/21/2016	21	\$49,052	\$620

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2015)
Year End Report for the Administrative)
Fine Program:)
AMERICANS SOCIALLY UNITED, and) AF# 3038
PETERSON, CARY L as treasurer;)
AUGUST WOLF FOR SENATE, and) AF# 3039
JOHN PASCAL as treasurer;)
CLAITOR FOR CONGRESS, and) AF# 3040
CHELSEA BONNECAZE as treasurer;)
EDDIE BERNICE JOHNSON FOR) AF# 3041
CONGRESS, and WHITAKER, RANDY)
MR. as treasurer;)
EDWARD TROY HOLLIDAY, and) AF# 3042
YOUNG, NANCY SHARON as treasurer;)
FOUNDATION FOR A GREATER) AF# 3043
AMERICA INC, and HODGINS, JAMES P)
MR. as treasurer;)

ORMAN FOR US SENATE INC, and) AF# 3045
WYNNE ROYCE JENNINGS as treasurer;)
PLUMBERS AND PIPEFITTERS LOCAL) AF# 3046
UNION 74, and MR MARK R PERMAR as)
treasurer;)
USA FIRST PAC, and HOBBS, CABELL) AF# 3047
as treasurer;)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on March 31, 2016 the Commission took the following actions on the Reason To Believe Recommendation - 2015 Year End Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated March 29, 2016, on the following committees:

AF#3038 Decided by a vote of 6-0 to: (1) find reason to believe that AMERICANS SOCIALLY UNITED, and PETERSON, CARY L in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#3039 Decided by a vote of 6-0 to: (1) find reason to believe that AUGUST WOLF FOR SENATE, and JOHN PASCAL in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#3040 Decided by a vote of 6-0 to: (1) find reason to believe that CLAITOR FOR CONGRESS, and CHELSEA BONNECAZE in her official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#3041 Decided by a vote of 6-0 to: (1) find reason to believe that EDDIE BERNICE JOHNSON FOR CONGRESS, and WHITAKER, RANDY MR. in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#3047 Decided by a vote of 6-0 to: (1) find reason to believe that USA FIRST PAC, and HOBBS, CABELL in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 22, 2016

John Pascal, in official capacity as Treasurer
August Wolf for Senate
P.O. Box 113255
Stamford, CT 06911

C00577536
AF#: 3039

Dear Mr. Pascal:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Year-End Report of Receipts and Disbursements every calendar year. This report, covering the period October 1, 2015 through December 31, 2015, was due no later than January 31, 2016. 52 U.S.C. § 30104(a). Because records at the Federal Election Commission ("FEC") indicate that you did not file this report within thirty (30) days of the due date, the report is considered not filed for the purpose of calculating the civil money penalty.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109(a)(4). On March 31, 2016, the FEC found that there is reason to believe ("RTB") that August Wolf for Senate and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before January 31, 2016. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$9,800. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$9,800 is due within forty (40) days of the finding, or by May 10, 2016, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive

Level of Activity: \$320,311

Number of Days Late: Not Filed (reports not filed within thirty (30) days of the due date are considered not filed for the purpose of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review, 999 E Street,

NW, Washington, DC 20463. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or May 10, 2016. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that August Wolf for Senate and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, follow the payment instructions on page 4 of this letter. You should make payment within 30 days of receipt of this letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

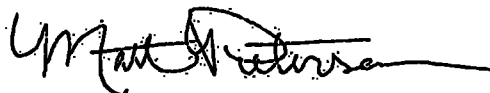
5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Ben Holly in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Matthew S. Petersen
Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$9,800 for the 2015 Year-End Report. The payment is due within 30 days of receipt of this letter.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: August Wolf for Senate

FEC ID#: C00577536

AF#: 3039

PAYMENT DUE DATE: May 10, 2016

PAYMENT AMOUNT DUE: \$9,800



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2016 AUG -1 10:45

August 1, 2016

SENSITIVE

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: *KDR* Kristin D. Roser/Ben Holly *B.H.*
Reports Analysis Division
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the
2015 Year-End Report

Attached are two lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2015 Year-End Report. The first list represents the committees that have paid the civil money penalty and the second list represents the committees that have not paid the civil money penalty. The committees that have not paid have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.34 and 11 CFR § 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

For your information, one (1) committee disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty. An overview of this case has been provided below.

Also: two (2) committees detailed below designated a new Treasurer after the RTB finding:

- ### **RAD Recommendation**

- (1) Make a final determination that the political committees and their treasurers, in their official capacity, listed on the attached reports violated 52 U.S.C. § 30104(a) and assess the final civil money penalties so indicated.
- (2) Send the appropriate letters.

104011100001

01/2016 11:17:40P

Federal Election Commission
FD Circulation Report Fine Paid
2015 YEAR-END Not Election Sensitive

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
3041	EDDIE BERNICE JOHNSON FOR CONGRESS	EDDIE BERNICE JOHNSON	C00254573	RANDY WHITAKER	02/12/2016	12	\$94,069	0	03/31/2016	\$1,760	\$1,760	04/29/2016	\$1,760
3042	EDWARD TROY HOLLIDAY	ED HOLLIDAY	C00574442	NANCY SHARON YOUNG	02/09/2016	9	\$926	1	03/31/2016	\$90	\$90	04/22/2016	\$90
3045	ORMAN FOR US SENATE INC	GREGORY JOHN ORMAN	C00564294	WYNNE ROYCE JENNINGS	02/10/2016	10	\$15,485	0	03/31/2016	\$160	\$160	05/10/2016	\$160
3046	PLUMBERS AND PIPEFITTERS LOCAL UNION 74		C00192849	MARK R PERMAR	02/16/2016	16	\$108,576	3	03/31/2016	\$4,655	\$4,655	05/11/2016	\$4,655
3047	USA FIRST PAC		C00567685	CABELL HOBBS	02/21/2016	21	\$49,052	0	03/31/2016	\$620	\$620	05/09/2016	\$620

Federal Election Commission
FD Circulation Report Fine Not Paid
2015 YEAR-END Not Election Sensitive 1/31/2016 H_S_P_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
3038	AMERICANS SOCIALLY UNITED		C00572537	CARY L. PETERSON		Not Filed	\$233,949 (est)	0	03/31/2016	\$7,150	123	\$7,150
3039	AUGUST WOLF FOR SENATE	AUGUST L. WOLF	C00577536	BRADLEY CRATE	03/21/2016	Not Filed	\$310,077	0	03/31/2016	\$9,800	123	\$9,800
3040	CLAITOR FOR CONGRESS	DANIEL A. CLAITOR	C005554253	CHELSEA BONNECAZE		Not Filed	\$120,518 (est)	3	03/31/2016	\$8,662	123	\$8,662
3043	FOUNDATION FOR A GREATER AMERICA, INC.		C00555862	ANASTASIA AULT	07/15/2016	Not Filed	\$225,553	1	03/31/2016	\$14,437	123	\$8,937

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fine Program – Final)
Determination Recommendation for the)
2015 Year-End Report:)
AMERICANS SOCIALLY UNITED, and) AF# 3038
PETERSON, CARY L as treasurer;)
AUGUST WOLF FOR SENATE, and) AF# 3039
BRADLEY CRATE as treasurer;)
CLAITOR FOR CONGRESS, and) AF# 3040
CHELSEA BONNECAZE as treasurer;)
EDDIE BERNICE JOHNSON FOR) AF# 3041
CONGRESS, and WHITAKER, RANDY)
MR. as treasurer;)
EDWARD TROY HOLLIDAY, and) AF# 3042
YOUNG, NANCY SHARON as treasurer;)
FOUNDATION FOR A GREATER) AF# 3043
AMERICA INC, and AULT, ANASTASIA)
as treasurer;)
ORMAN FOR US SENATE INC, and) AF# 3045
WYNNE ROYCE JENNINGS as treasurer;)
PLUMBERS AND PIPEFITTERS LOCAL) AF# 3046
UNION 74, and MR MARK R PERMAR as)
treasurer;)
USA FIRST PAC, and HOBBS, CABELL) AF# 3047
as treasurer;)

CERTIFICATION

I, Shelley E. Garr, Deputy Secretary of the Federal Election Commission, do hereby certify that on August 02, 2016 the Commission took the following actions on the Administrative Fine Program – Final Determination Recommendation for the 2015 Year-End Report as recommended in the Reports Analysis Division's Memorandum dated August 01, 2016, on the following committees:

AF#3038 Decided by a vote of 6-0 to: (1) make a final determination that AMERICANS SOCIALLY UNITED, and PETERSON, CARY L in his official capacity as treasurer , violated 52 U.S.C. 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#3039 Decided by a vote of 6-0 to: (1) make a final determination that AUGUST WOLF FOR SENATE, and BRADLEY CRATE in his official capacity as treasurer , violated 52 U.S.C. 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#3040 Decided by a vote of 6-0 to: (1) make a final determination that CLAITOR FOR CONGRESS, and CHELSEA BONNECAZE in her official capacity as treasurer , violated 52 U.S.C. 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#3041 Decided by a vote of 6-0 to: (1) make a final determination that EDDIE BERNICE JOHNSON FOR CONGRESS, and WHITAKER, RANDY MR. in his official capacity as treasurer , violated 52 U.S.C. 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#3042 Decided by a vote of 6-0 to: (1) make a final determination that EDWARD TROY HOLLIDAY, and YOUNG, NANCY SHARON in her official capacity as treasurer , violated 52 U.S.C. 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

15002710404

AF#3043 Decided by a vote of 6-0 to: (1) make a final determination that FOUNDATION FOR A GREATER AMERICA INC, and AULT, ANASTASIA in her official capacity as treasurer, violated 52 U.S.C. 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#3045 Decided by a vote of 6-0 to: (1) make a final determination that ORMAN FOR US SENATE INC, and WYNNE ROYCE JENNINGS in his official capacity as treasurer, violated 52 U.S.C. 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#3046 Decided by a vote of 6-0 to: (1) make a final determination that PLUMBERS AND PIPEFITTERS LOCAL UNION 74, and MR MARK R PERMAR in his official capacity as treasurer, violated 52 U.S.C. 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#3047 Decided by a vote of 6-0 to: (1) make a final determination that USA FIRST PAC, and HOBBS, CABELL in his official capacity as treasurer, violated 52 U.S.C. 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Attest:

August 4, 2016
Date

Shelley E. Garr
Shelley E. Garr
Deputy Secretary of the Commission

15006710405



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 3, 2016

**Bradley Crate, in official capacity as Treasurer
August Wolf for Senate
P.O. Box 113255
Stamford, CT 06911**

C00577536
AF#: 3039

Dear Mr. Crate:

On March 31, 2016, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that August Wolf for Senate and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) for filing late or failing to file the 2015 Year-End Report. By letter dated March 31, 2016, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage to be \$9,800 in accordance with the schedule of penalties at 11 CFR § 111.43. Within forty (40) days of the FEC's RTB finding, you were required to either transmit payment of the calculated civil money penalty or submit a written response challenging either the RTB finding or the calculated civil money penalty.

The FEC did not receive payment of the calculated civil money penalty or a written response within the time permitted. Since that time, the amount of the level of activity has been changed to reflect the actual level of activity of the 2015 Year-End Report. The FEC made a final determination on August 2, 2016 that August Wolf for Senate and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assessed a civil money penalty in the amount of \$9,800 in accordance with 11 CFR § 111.43. The civil money penalty is based on these factors:

Election Sensitivity of Report: Not Election Sensitive

Level of Activity: \$310,077

Number of Days Late: Not Filed (reports not filed within thirty (30) days of the due date are considered not filed for the purposes of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the U.S. District Court for the district in which the

committee or you reside, or transact business, requesting that the final determination be modified or set aside. See 52 U.S.C. § 30109(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 52 U.S.C. § 30109. 11 CFR § 111.38.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 *et seq.* If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, follow the payment instructions on page 4 of this letter. You should make payment within 30 days of receipt of this letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assessed upon making a final determination.

5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your

Matthew S. Petersen
Chair

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the civil money penalty is \$9,800 for the 2015 Year-End Report. The payment is due within 30 days of receipt of this letter.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: August Wolf for Senate

FEC ID#: C00577536

REPORT: 2015 Year-End

AF#: 3039

PAYMENT AMOUNT DUE: \$9,800

**St. Louis GA Lockbox
(314) 425-1818**

Batch	Item	TID	Batch Total	Amount
1	1	Y-3056074	\$3,895.00	\$2,495.00

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